

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

GOLISA POWELL,

Plaintiff,

v.

Case No. 09-CV-372

MICHAEL J ASTRUE,

Defendant.

ORDER

On April 10, 2009, plaintiff Golisa Powell filed a complaint pursuant to 42 U.S.C. § 405(g) and 42 U.S.C. § 1383(c)(3) seeking review of the denial by the Commissioner of Social Security (“Commissioner”) of her claim for social security benefits. Plaintiff has moved for leave to proceed *in forma pauperis*.

The *in forma pauperis* statute, 28 U.S.C. § 1915, is designed to ensure that indigent litigants have meaningful access to federal courts. See *Neitzke v. Williams*, 490 U.S. 319, 324 (1989). The court may not authorize a litigant to proceed *in forma pauperis* until it determines that the litigant is unable to pay the costs of commencing the action. 28 U.S.C. § 1915(a). If the court concludes that the litigant is unable to pay the costs of commencing the action, the court must then determine the action is neither frivolous nor malicious, does not fail to state a claim upon which relief may be granted, and does not seek money damages against a defendant immune from such relief. 28 U.S.C. § 1915(e)(2).

After reviewing plaintiff's affidavit, the court concludes that plaintiff is unable to pay the costs of commencing this action. Plaintiff has stated that her monthly income consists of \$628 in welfare to work benefits, and \$255 in food stamps, as well as occasional financial assistance from a friend. She states that she is unemployed and has one dependant child. Her reasonable monthly expenses total \$915. Though she owns her home, she has less than \$20 in her bank account, and owns no other property, save for clothing and ordinary household items. Accordingly, the court finds that she is unable to pay the fees and costs associated with the commencement of this action.

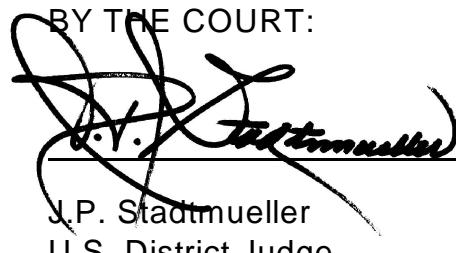
The court also finds that plaintiff's claim is neither frivolous nor malicious, and that she has stated a claim upon which relief may be granted. Plaintiff's complaint alleges that the Commissioner's findings were not supported by substantial evidence. Finally, plaintiff is not seeking money damages against a defendant immune from such relief.

Accordingly,

IT IS ORDERED that plaintiff's Motion for Leave to Proceed *in forma pauperis* (Docket #2) be and the same is hereby **GRANTED**.

Dated at Milwaukee, Wisconsin, this 30th day of April, 2009.

BY THE COURT:



J.P. Stadtmauer
U.S. District Judge